

## **REMARKS/ARGUMENTS**

### **Posture of the Application**

Claims 1-3, 5-8, 12, 13, 15 and 17-20 are pending. Claims 1, 5, 8/5 and 15/5 stand allowed. Claim 15/14 is objected to. Claims 2, 3, 8/3, 12, 13 and 15/3 stand rejected under 35 U.S.C. 102(e). Claims 6, 7, 8/7, 15/7 and 20 stand rejected under 35 U.S.C. 103(a). Claims 17, 18, 19/7 and 19/8 were objected to as being dependent upon a rejected base claim, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Objection to Claim 15/14**

The Examiner has objected to this claim because it includes dependency from claim 14, a cancelled claim.

Applicant appreciates the Examiner's taking note of this informality and claim 15 has been amended herein to delete the dependency from cancelled claim 14.

### **Claim Rejections Under 35 U.S.C. § 102(e)**

Claims 2, 3, 8/3, 12, 13 and 15/3 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 6,467,755 to Reilly et al. The Examiner states that Reilly et al. discloses a strap winder which is dimensioned and configured to be mounted on a vehicle and serves to wind an elongated strap into a coil. The Reilly et al. structure is stated to comprise a body 18; a one-piece shaft 24 rotatably supported by the body; the shaft having a longitudinal axis and a slotted end and being dimensioned and configured to receive the strap; a power-operated driver (12, 106) connected to the shaft to rotate the shaft about its longitudinal axis; and a power connector 10 on the strap winder wherein the power-operated driver is a pneumatic motor, citing column 4, line 65.

This ground of rejection is respectfully traversed. Applicant respectfully submits that the Examiner has misapprehended the Reilly et al. reference in several important particulars.

In making the rejection, the Examiner has selected features from both the winding tool 10 and the winch 14 in order to accumulate the elements applied against the rejected

claims. The combined features, however, lack elements defined in the rejected claims and therefore Reilly et al. cannot sustain a rejection under 35 U.S.C. 102(e).

For one, the Examiner's statement that Reilly et al. discloses a one-piece shaft is incorrect. The Examiner refers to "a one-piece shaft 24", the shaft "having a longitudinal axis and a slotted end". But the "slotted end" is not on what the Examiner calls shaft 24, but is the slotted end of tool 10, which defines a slot 78 between fingers 80 and 82. The Examiner has thus erroneously ascribed to spindle 24 (to use Reilly et al.'s terminology) the slotted end of tool 10, a member separate from spindle 24. Reilly et al. thus discloses a two-component shaft comprised of (1) a spindle 24, which is rotatably mounted to and extends between depending ears 20 and 22 (column 3, lines 18-20), and (2) winding tool 10.

Winding tool 10 has a longitudinal axis and a slotted end defining slot 78 between fingers 80 and 82; spindle 24 has a spindle projection portion 30 (column 4, lines 28-31). As set forth at column 3, line 36 *et seq.*, the elongate flexible strap 34 of Reilly et al. is received on spindle 24, an inner portion 42 of strap 34 extending through aligned openings 38 and 40 of spindle 24. See column 3, lines 40-45.

As described at column 5, lines 24-43, fingers 80 and 82 of tool 10 are inserted into spindle 24 to engage the strap inner portion 42. Tool 10 is rotated by "rotary power apparatus 12" to cause spindle 24 to rotate to thereby wind the strap 34. It is seen that what the Examiner describes as "a one-piece shaft 24" is in fact a two-component member comprised of spindle 24 and tool 10.

Reilly et al. therefore lacks a one-piece shaft having a slotted end dimensioned and configured to receive the strap for winding it about the shaft, a feature of the claims rejected by the Examiner.

The rejected claims further require that the slotted end be dimensioned and configured to retain an end of the strap "and to allow the strap formed into a coil on the shaft to be removed from the shaft by axially translating the formed coil over the slotted end". Reilly et al. lacks this feature as well.

These structural distinctions are significant. The Examiner's attention is respectfully drawn to column 3, lines 51-54 of Reilly et al., wherein it is stated:

"In order to disengage the strap from the spindle, the strap

must be fully unwound therefrom and pulled through openings 38 and 40."

It is seen that among the advantages supplied by Applicant's invention, and lacking in Reilly et al., is the presence of structural features which provide the capability of using the strap winder to wind a plurality of straps into coils and remove the coils intact from the winder device. See page 7, lines 22-30 (paragraph 0037) of Applicant's specification. Reilly et al. enables only rewinding a single strap onto the device and requires that the strap be fully unwound, i.e., uncoiled, if it is to be removed from the device. Only the Applicant's invention permits rewinding a plurality of straps and removing each of them from the device in coils for neat and easy storage, permitting a single device to handle all the straps used on a truck, or any number of straps.

It is respectfully submitted that independent claims 2, 12 and 13 clearly patentably distinguish over Reilly et al. so that they, and the claims dependent thereon, are allowable over that reference.

#### **Claim Rejections Under 35 U.S.C. 103(a)**

Claims 6, 7, 8/7, 15/7 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of U.S. Patent No. 4,290,584 to Eckels et al.

The Examiner applies Reilly et al. as in the rejection under 35 U.S.C. 102, noting that Reilly et al. does not disclose the use of a hydraulic motor. Eckels et al. is cited solely for its teaching of a hydraulic motor to power a winch. The Examiner contends that it would have been obvious to one of ordinary skill in the art to provide Reilly et al. with a hydraulic system as taught by Eckels et al.

This ground of rejection is respectfully traversed.

The deficiencies of Reilly et al. as a reference are as noted above. Claim 6, like claims 2, 12 and 13 (and like allowed claim 1) contain the features of a one-piece shaft having a slotted end which is dimensioned and configured to allow a coiled strap formed on the shaft to be removed by axially translating the formed coil over the slotted end. Eckels et al. does not in any way remedy the manifest deficiencies of Reilly et al. Eckels et al. does not show or suggest the features defined in the rejected claims and does no

more than show that a winch may be operated by a hydraulic motor. Therefore, Eckels et al. is clearly incapable of supplying the deficiencies of Reilly et al.

Eckels et al. merely deals with a conventional portable winch designed to be coupled with and uncoupled from a bracket attached to a utility pole and used for hoisting objects in the conventional manner in which winches are employed. Aside from the fact that, as noted above, Eckels et al. does not cure the fundamental deficiencies of Reilly et al., one skilled in the art would not look to the Eckels et al. winch for features utilizable in the strap winder device of either Reilly et al. or the Applicant.

Accordingly, it is respectfully submitted that there is no suggestion or motivation to the art to make the Examiner's proposed modification of Reilly et al. by Eckels et al., which is therefore an improper one, as it is based on hindsight reasoning.

#### **Allowable Subject Matter**

Claims 1, 5, 8/5 and 15/5 are allowed over the prior art of record for the reasons noted at page 4 of the office action.

#### **Claims Objected To**

Claims 17, 18, 19/7 and 19/8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Examiner's statement of reasons for allowance of claim 17 also appears at page 4 of the office action.

It is believed that the claims from which the objected to claims depend are allowable for the reasons adduced above. Therefore, it is respectfully submitted that these claims are allowable in their present, dependent form.

In view of the foregoing, reconsideration and withdrawal of the rejection and allowance of the pending claims as presented herein is respectfully requested.

#### **Conclusion**

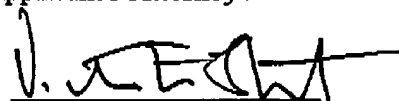
In view of the foregoing, it is respectfully submitted that the above-captioned application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

If the Examiner concludes that an interview with the undersigned will advance prosecution of this application, the Examiner is cordially invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

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